

REMARKS

Applicant files this Supplemental Response to the Office Action of April 13, 2004 in view of an interview granted by Examiner Thein. This Supplemental Response replaces in full Applicant's Response filed on September 13, 2004.

Interview Summary

Applicant thanks Examiner Thein and Primary Examiner Gart for the courtesies extended to Applicant's representatives during the personal interview conducted on September 14, 2004. The foregoing new claims and the following remarks reflect the substance of the interview.

Claims 90-110, 112-124, and 126-137 are pending in this application, with claims 90, 107, 121, 135, 136, and 137 being independent. Independent claims 90, 107 and 121 have been amended in the manner discussed more fully below. Dependent claims 91-93, 100, 108-110, 112-113, 115, 117-118, 122-124, 126-127, 129, 131 and 132 have been amended for consistency with the amended independent claims, dependent claim 97 has been amended to more clearly set forth the subject matter claimed thereby, and dependent claims 111 and 125 have been cancelled. Independent claims 135-137 have been added.

35 U.S.C. § 101 Rejection

Claim 121 stands rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter based on the preamble language "a propagated signal." To expedite examination, but not in recognition of or acquiescence to the position expressed by the Office Action, Applicant has amended the preamble of claim 121 to remove reference to "a propagated signal." Nonetheless, Applicant points out that the language "a propagated signal" previously resided in the claim 3 preamble and that it was not intended to breathe life into the claim. As such, a narrowing of claim scope is not believed appropriate based on its removal.

35 U.S.C. § 102(e) Rejection

Claims 90-97, 99-113, 115-127 and 129-134 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Bunting *et al.* (U.S. Patent No. 6,134,530). This rejection is obviated by the amendments to independent claims 90, 107 and 121 in view of Applicants remarks, and by the cancellation of claims 111 and 125.

In summary, Bunting *et al.* discloses, in pertinent part, a system and method of routing service calls based on a customer profile to improve customer service and to identify cross-sell opportunities. Bunting *et al.* does not describe or suggest leveraging an incoming service call for assistance as a conduit to present a sales pitch to the caller based on a sales pitch preference of the caller, as required by amended independent claims 90, 107 and 121. Applicant requests, therefore, reconsideration and withdrawal of the § 102(e) rejections of those claims and of the claims that depend from them.

More specifically, independent claim 90 recites using a sales pitch preference of a telephone caller to select a first sales pitch appropriate for that telephone caller. Before receipt of the incoming service call from the caller, a sales pitch preference of the caller is stored as an additional attribute. A caller identity and/or a first attribute of the caller are determined and used to access from a first database the additional attribute that indicates the sales pitch preference of the caller. The sales pitch preference of the caller may include, for example, a preference to receive a certain type of sales pitch, a preference not to receive a particular sales pitch or type of sales pitch, and/or a preference not to receive any sales pitch. The sales pitch preference is used to select an appropriate sales pitch from within a second database of potential sales pitches. The caller then is routed to a human operator and the human operator is assisted by the computer to present the sales pitch to the caller.

In the method of Bunting *et al.*, a customer call is received and routed to an appropriate service resource by “matching sales and service resource skill profiles with a customer profile, contact type and request type.” Bunting at 4:18-22. Cross-sell opportunities also may be identified. *Id.* Bunting *et al.* describes that the customer profile may include “a language, a type of customer, a segment, a request type and product(s)” and may be used to group like customers

based on "their demographics, behaviors, values, current products used and the current and potential value of the customer to the company's business." Bunting at 4:23-45.

Notably, none of the aforementioned Bunting features describe or suggest a customer profile that includes a sales pitch preference of the customer. In short, Bunting *et al.* at least fails to describe or suggest using a sales pitch preference to select an appropriate sales pitch from within a second database of potential sales pitches. *Id.*; *see also* Bunting at 7:19-23, 31-33, 8:56-60, 9:21-23, 12:18-43. Claim 90 is allowable for at least this reason.

Claims 91-106 depend from claim 90 and are allowable for at least the reasons given for claim 90.

Independent claims 107 and 121 are directed to a system and to a computer program, respectively, for assisting to present a first sales pitch appropriate for a particular telephone caller of a telephone call center based on a sales pitch preference of the caller. Claims 107 and 121 each recite either means or code segments that perform the functions of "identify[ing] a first sales pitch based upon at least the additional attribute of the caller, wherein the additional attribute comprises a sales pitch preference of the caller." Bunting *et al.* does not describe or suggest this claim limitation. Thus, for at least these reasons, claims 107 and 121 are allowable over Bunting *et al.*

Claims 108-110, 112-120, 121-124 and 126-134 each depend from either claim 107 or claim 121 and are allowable for at least the reasons given for claims 107 and 121. For the reasons discussed above, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 90-134.

Independent claims 135-137 have been added to more clearly claim the subject matter of dependent claims 97, 100, 112, 115, 126 and 129, and are believed to be allowable for the same reasons as those claims. No new matter has been added.


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Enclosed is a \$176 check for excess claim fees. No other charges are believed due.
Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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